

STATE OF SOUTH CAROLINA

(Caption of Case)

IN RE: Richard Ware,  
Complainant/Petitioner

HTC Communications, Inc., and  
Verizon South, Inc.  
Defendant/Respondent

BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA

COVER SHEET

DOCKET  
NUMBER: 2007 - 274 - C

(Please type or print)

Submitted by: Steven W. Hamm, Esq.

Address: Richardson, Plowden & Robinson, P.A.  
P.O. Drawer 7788  
Columbia, South Carolina 29202

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NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition

☐ Request for item to be placed on Commission's Agenda expeditiously

☒ Other: Verizon South, Inc.'s Motion to Dismiss

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)			
<input type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Letter	<input type="checkbox"/> Request	
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification	
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input checked="" type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation	
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement	
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment	
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter	
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response	
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery	
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition	
<input checked="" type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation	
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena	
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff	
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Oder	<input type="checkbox"/> Other: _____	
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest		
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit		
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report		

Print Form

Reset Form

October 16, 2007

**Via Hand Delivery**

The Honorable Charles L. A. Terreni  
Chief Clerk and Administrator  
The Public Service Commission of S.C.  
P. O. Drawer 11649  
Columbia, S.C. 29211

RECEIVED  
2007 OCT 16 PM 3:01  
SC PUBLIC SERVICE  
COMMISSION

RE: Docket No. 2007-274-C – Richard Ware, Complainant/Petitioner v. HTC  
Communications, Inc. and Verizon South Inc., Defendant/Respondent –  
**Verizon South Inc.'s Motion to Dismiss**

Dear Mr. Terreni:

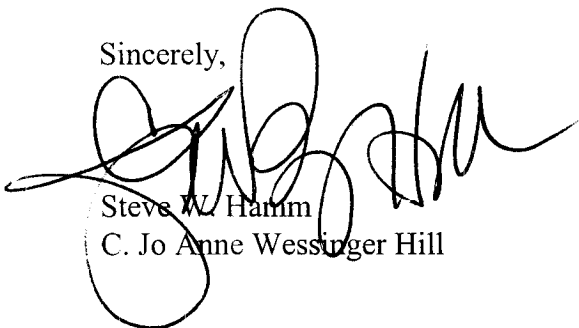
Enclosed for filing are an original and one copy of Verizon South Inc.'s ("Verizon") Motion to Dismiss in the above referenced matter.

By copy of this letter, I am serving all parties of record with a copy of the Motion as indicated on the attached Certificate of Service.

If you should have any questions concerning this matter please contact my office.

With kind personal regards, I am

Sincerely,



Steve W. Hamm  
C. Jo Anne Wessinger Hill

Enclosures

cc: Parties of Record

BEFORE THE  
SOUTH CAROLINA  
PUBLIC SERVICE COMMISSION  
DOCKET NO. 2007- 274 - C

RECEIVED  
2007 OCT 16 PM 3:01  
SC PUBLIC SERVICE  
COMMISSION

IN RE: )  
 )  
RICHARD WARE, )  
COMPLAINANT/PETITIONER )  
 )  
v. )  
 )  
HTC COMMUNICATIONS, INC. AND )  
VERIZON SOUTH, INC., )  
DEFENDANTS/RESPONDENTS )

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**VERIZON SOUTH, INC.'S MOTION TO DISMISS**

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For the reasons set forth below, Verizon South, Inc. ("Verizon"), reserving all rights and defenses, respectfully moves before the South Carolina Public Service Commission to dismiss the complaint of Mr. Ware with regard to Verizon on the grounds that he is not a customer of Verizon and/or Verizon does not provide any telecommunication services to Mr. Ware. It is understood and believed that Mr. Ware is served by another telecommunications carrier, HTC Communications, Inc.

**GROUND FOR MOTION TO DISMISS**

1. Verizon reserving all rights and defense respectfully files this Motion to Dismiss this matter and complaint of Mr. Ware since it can show that Mr. Ware is not a customer of Verizon at his North Myrtle Beach residence.

2. The Complainant/Petitioner, Richard Ware, has raised certain telecommunications access issues for calling service rendered by HTC Communications, Inc.
3. The Complainant/Petitioner, Richard Ware, is not a customer served by Verizon and any relief that might be afforded would not be provided by Verizon.
4. Verizon has previously established certain calling plans designed to afford relief for issues raised by the Complainant/Petitioner and such plans are available to customers of Verizon.

For these reasons, Verizon respectfully requests that the Commission grant its Motion to Dismiss and remove Verizon as a Defendant in this matter.

Respectfully submitted this the 15<sup>th</sup> day of October 2007.

BY: 

Delaney L. O'Roark  
General Counsel  
VERIZON SOUTH INC.  
6 Concourse PKWY  
Atlanta, GA 30328  
Tel: (770) 284-5498

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C. Jo Anne Wessinger Hill, Esquire  
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Tel: (803) 771-4400

COUNSEL FOR VERIZON SOUTH INC.

COUNSEL FOR VERIZON SOUTH INC.

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION OF**  
**SOUTH CAROLINA**

**DOCKET NO. 2007-274-C**

**RECEIVED**  
2007 OCT 16 PM 3:01  
SC PUBLIC SERVICE  
COMMISSION

<b>IN RE: RICHARD WARE,</b>	)	
<b>Complainant/Petitioner</b>	)	
	)	<b>CERTIFICATE OF SERVICE</b>
<b>v.</b>	)	
	)	
	)	
<b>HTC COMMUNICATIONS, INC.</b>	)	
<b>AND VERIZON SOUTH, INC.</b>	)	
<b>Defendant/Respondent</b>	)	


This is to certify that I, the undersigned employee of Richardson Plowden & Robinson, P.A., have caused to be served this day, one (1) copy of the Motion to Dismiss filed by Verizon South, Inc. ("Verizon") in the above referenced docket by placing a copy of same in the care and custody of the United States Postal Service, first class postage prepaid to the following Parties of Record:

**VIA U.S. Mail:**

C. Lessie Hammonds, Esquire  
Office of Regulatory Staff  
Post Office Box 11263  
Columbia, S.C. 29211

Margaret M. Fox, Esquire  
McNair Law Firm, P.A.  
P.O. Box 11390  
Columbia, S.C. 29211

Richard Ware  
6244 Catalina Dr. Unit 612  
North Myrtle Beach, S.C. 29582

  
\_\_\_\_\_  
Kathy J. Templeton

October 16, 2007  
Columbia, South Carolina